

FILED
7/13/22 10:58 am

CLERK

IN THE UNITED STATES BANKRUPTCY COURT U.S. BANKRUPTCY
FOR THE WESTERN DISTRICT OF PENNSYLVANIA COURT - WDPA

IN RE:) Case No. 19-23883 GLT
) Chapter 13
Richard Potts) Docket No. 80
Debtor)
)
Richard Potts)
Movant)
)
vs.)
)
Ronda J. Winnecour, Esq., Trustee,)
Respondents)

ORDER APPROVING POSTPETITION AUTOMOBILE FINANCING

This matter comes before the Court upon the *CONSENT ORDER OF THE DEBTOR FOR POSTPETITION FINANCING* filed by Debtors. Based upon the foregoing, and for good cause shown, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The *Consent Order* is **GRANTED** as provided by the terms of this *Order*. Debtor is authorized to obtain secured financing for the purchase or lease of a replacement vehicle on the following terms:

- (a) the total amount of financing **shall not exceed \$25,000.00**; and
- (b) the monthly payments made under the financing agreement **shall not exceed \$500.00**; and
- (c) the interest rate **shall not exceed 21%**

2. To the extent that Debtor secures financing for the purchase or lease of a new vehicle, such payments **shall be made through the chapter 13 plan**. Within **30 DAYS** of securing such financing, Debtor shall file:

- (a) an amended chapter 13 plan; and
- (b) a report of financing which will include the details of the automobile financing.

3. To ensure the prompt and timely payment of the automobile loan, Debtor shall make a supplemental payment to the chapter 13 trustee **within 7 days** of filing the report of financing (and each month thereafter as necessary) in an amount sufficient for the trustee to cover the installments due on the loan. The supplemental payments shall be in addition to the regular plan payment, pending confirmation of the amended plan.

4. Pending confirmation of any amended plan providing for the new post-petition loan or lease payments, the trustee is authorized to make monthly adequate protection payments to a lender that will be determined at the time of vehicle financing. A consent order providing for adequate protection payments for the new vehicle will be filed within 7 days of vehicle financing providing for the contract amount so long as

sufficient supplemental funds are provided by Debtor.

5. Notwithstanding the inclusion of the post-petition loan within an amended chapter 13 plan, the underlying terms of the loan shall not be modified absent the consent of the post-petition vehicle lender.

6. The Trustee is permitted to reserve distribution to Bridgecrest pending the payoff of the vehicle loan for the 2015 Chevrolet Malibu from the insurance proceeds due to the vehicle being totaled in an accident. Any balance owed on the Bridgecrest debt after the payment on the vehicle loan shall be treated as wholly unsecured and Bridgecrest will be required to file a proof of claim itemizing the amount still due and owing.

7. Debtor shall serve copies of this *Order* on all creditors eligible to receive distributions through the chapter 13 plan and file proof of the same with the Court.

Prepared by: Kenneth Steidl, Esquire

Dated: 7/13/22


UNITED STATES BANKRUPTCY COURT JUDGE

Case Administrator to Mail to:

Richard Potts
Kenneth Steidl, Esquire
Ronda J. Winnecour, Esq.
Office of the U.S. Trustee

Consented to:

/s/ Kate DeSimone
Kate DeSimone, Esquire
Office of the Chapter 13 Trustee

/s/ Kenneth Steidl
Kenneth Steidl, Esquire
Attorney for the Debtors

In re:
Richard A. Potts
Debtor

Case No. 19-23883-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jul 13, 2022

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 15, 2022:

Recip ID	Recipient Name and Address
db	+ Richard A. Potts, 4020 Noblestown Road, Oakdale, PA 15071-1291

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 15, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 13, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor FREEDOM MORTGAGE CORPORATION bnicholas@kmlawgroup.com
Jerome B. Blank	on behalf of Creditor FREEDOM MORTGAGE CORPORATION pawb@fedphe.com
Kenneth Steidl	on behalf of Debtor Richard A. Potts julie.steidl@steidl-steinberg.com ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;jseech@steidl-steinberg.com
Lily Christina Calkins	on behalf of Creditor FREEDOM MORTGAGE CORPORATION logsecf@logs.com lcalkins@logs.com
Maria Miksich	on behalf of Creditor FREEDOM MORTGAGE CORPORATION mmiksich@kmlawgroup.com
Mario J. Hanyon	

District/off: 0315-2

User: auto

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Date Rcvd: Jul 13, 2022

Form ID: pdf900

Total Noticed: 1

on behalf of Creditor Nationstar Mortgage LLC D/B/A MR. Cooper wbecf@brockandscott.com
mario.hanyon@brockandscott.com

Mario J. Hanyon

on behalf of Creditor FREEDOM MORTGAGE CORPORATION wbecf@brockandscott.com
mario.hanyon@brockandscott.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

Thomas Song

on behalf of Creditor FREEDOM MORTGAGE CORPORATION pawb@fedphe.com

TOTAL: 10